

fax

MAY 30 2006



To: IFW Formal Filings (ATTN: Office of
Petitions— Mr. John J. Gillon Jr.)

From: Michael R. Crabb

Company:

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Fax: 224-212-2088

Date: April 14, 2005

No. of Pages: 75

**RE: Renewed Petition To Withdraw Abandonment
US Serial No. 10/783,640
Filed on February 20, 2004**

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Hospira, Inc.
275 North Field Drive
Dept. NLEG, Bldg. H-1
Lake Forest, IL 60045
www.hospira.com

MAY 30 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: R. P. Silkaitis, et al

Serial No.: 10/783,640

Filed: February 20, 2004

Title: MEDICATION MANAGEMENT
SYSTEM

Case No.: 7135USO3

Group Art No.: 3626

Confirmation No.: 7339

Certificate of Facsimile Transmission under 37
CFR §1.8(a):

I hereby certify that this paper (along with any
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recipient:

Mail Stop PETITIONS
Commissioner for Patents
Alexandria, VA 22313-1450 on May 30, 2006

Recipient Telefax Number: 571-273-8300


Robin Evans Date

Mail Stop Petitions
Commissioner for Patents
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Dear Sir:

Enclosed herewith for the patent application identified above entitled MEDICATION
MANAGEMENT SYSTEM are the following:


1. Renewed Petition Under 37 C.F.R §1.181 (18 pages)
2. Exhibits A-H and J- N (13 Exhibits- 50 pages)
3. Petition for Revival of an Application for Patent Abandoned Unintentionally Under
37 CFR 1.137(b) (2 pages)
4. Petition for Extension of Time by Two Months (1 page) (in duplicate)

The Commissioner is hereby authorized to charge the \$1500 fee for the Petition for Revival
Under 37 CFR 1.137(b) and the fee of \$400 for the Petition for Revival Under 37 C.F.R
§1.181, as well as any other fees associated with this communication for which full payment
had not been tendered, to Deposit Account No. 50-3118. A duplicate copy is attached.

41155

HOSPIRA, INC.
Telephone: (224) 212-2889
Facsimile: (224) 212-2088

Respectfully submitted,
R. P. Silkaitis, et al


Michael R. Crabb
Registration No. 37,298
Attorney for Applicants

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: R. P. Silkaitis, et al
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Filed: February 20, 2004
Title: MEDICATION MANAGEMENT
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Robin Evans

5-30-06
Date

Mail Stop Petitions
Commissioner for Patents
Alexandria, VA 22313-1450

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Michael R. Crabb
Registration No. 37,298
Attorney for Applicants

MAY 30 2006

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: R. P. Silkaitis, et al.

Serial No.: 10/783,640

Filed: February 20, 2004

Confirmation No.: 7339

Title: MEDICATION MANAGEMENT SYSTEM

Case No.: 7135USO3

Group Art Unit: 3626

Examiner: TBD

Certificate of Facsimile
Transmission under 37 CFR §1.8(a):

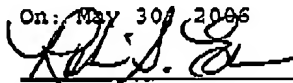
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via facsimile, said transmission to be completed before midnight Eastern time on the date shown below, addressed to the following recipient:

Commissioner for Patents
Alexandria, VA 22313-1450

Recipient Fax No.: (571)273-8300

Attn: Office of Petitions
Sr. Attorney John J. Gillon, Jr.
MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On: May 30, 2006


Robin S. Evans

5-30-06
Date

RENEWED PETITION UNDER 37 C.F.R. § 1.181 AND MPEP
711.03(c)(I)(A)
OR ALTERNATIVELY
PETITION UNDER 37 C.F.R. § 1.137(b)

Attention: Office of Petitions
MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This petition is submitted in response to the Decision of the Office of Petitions mailed January 30, 2006 dismissing Applicants' Petition filed on April 14, 2005 seeking withdrawal of the holding of abandonment of the above-referenced application under 37 C.F.R. § 1.181(a) and MPEP 711.03(c)(I)(A). A Petition for Extension of Time by two (2) months from March 30, 2006 to May 30, 2006 is enclosed herewith, together with an

authorization to debit the Deposit Account of Hospira, Inc. for payment of any fees associated with the submission and consideration of this document.

Applicants respond by supplying additional information in support of their original Petition, and (1) renewing their petition under 37 C.F.R. § 1.181(a) and MPEP 711.03(c)(I)(A), or in the alternative, (2) petitioning under 37 C.F.R. § 1.137(b) for revival of an application unintentionally abandoned.

Additional Information & Background

In addition to the facts previously attested to in the aforementioned Petition filed on April 14, 2005, which facts are expressly incorporated by reference herein, the Applicants aver that the following information supports this Petition.

1. Hospira, Inc. originally was formed as a wholly-owned subsidiary of Abbott Laboratories in preparation for the spin-off of Hospira, Inc. from Abbott Laboratories. Hospira, Inc. was legally spun off from Abbott Laboratories on April 30, 2004 and since that date has been an independent corporation.

2. On January 13, 2004, Brian R. Woodworth, Reg. No. 33, 137, who at the time was a patent attorney of record for Abbott Laboratories, Customer Number 23492, filed a request for a new customer number in anticipation of the spin-off. See Exhibit A. The undersigned attorney also was a patent attorney of record for Abbott Laboratories, Customer Number 23492, as of January 13, 2004.

3. On March 8, 2004, Mr. Woodworth received a Notice of Customer Number Assignment via facsimile from the U.S. Patent and Trademark Office Electronic Business Center

("EBC") stating that the Customer Number 41155 had been assigned to Abbott Laboratories Hospital Products, Department 377, Building AP6A, 100 Abbott Park Road, Abbott Park, IL 60064-6008. Mr. Woodworth and the undersigned attorney were listed as attorneys of record for Customer Number 41155. See Exhibit B.

4. On April 13, 2004, Mr. Woodworth submitted by Express Mail to the EBC a spreadsheet (on a CD) together with a request for a customer number batch update to transfer certain patents and pending patent applications from Customer Number 23492 into Customer Number 41155. The electronic spreadsheet identified the patents and pending patent applications that were to be assigned to Hospira, Inc. by Abbott Laboratories in connection with the spin-off of Hospira, Inc. Evidence of this submission and the relevant portions of the spreadsheet are shown in Exhibit C.

5. On April 29, 2004, after the correspondence address and telephone number for Hospira, Inc. were established, Mr. Woodworth submitted via facsimile to the EBC a Request for Customer Number Data Change for the purpose of changing the correspondence address and telephone number for Customer Number 41155. The specified correspondence address for Customer Number 41155 was: Hospira, Inc., 275 N. Field Drive, Dept. NLEG, Bldg H-1, Lake Forest, IL 60045-2579. See Exhibit D.

6. On April 30, 2004, the EBC mailed a Notice of Customer Number Record Change to Hospira, Inc. This notice was erroneous in two respects. First, it listed the Customer Number as 41165 rather than 41155. Second, it listed the correct street address for Hospira, Inc. but was addressed to an individual named Bradley Alan Silen

rather than to Brian R. Woodworth. The undersigned attorney avers that Bradley Alan Silen was not and is not an authorized agent of Hospira, Inc., and that Bradley Alan Silen does not currently appear on the USPTO web site list of registered patent agents and attorneys. See Exhibit E.

7. On May 4, 2004, Mr. Woodworth sent a fax to the EBC to inform them of the errors in the USPTO generated Notice of Customer Number Change and to request correction. See Exhibit G. Although the outgoing fax machine confirmed successful transmission of this fax, Hospira, Inc. never received a reply from the USPTO.

8. In April 2004, Abbott Laboratories created a copy or "clone" of a portion of its Master Data Center IPMaster docketing database for the purpose of creating a separate docketing database for patents and patent applications to be assigned to Hospira, Inc. by Abbott Laboratories in connection with the spin-off of Hospira, Inc. from Abbott Laboratories. Upon creation of the separate docketing database for patents and patent applications to be assigned to Hospira, Inc., Abbott Laboratories ceased patent-related docketing for such patents and patent applications. In order to ensure that Abbott Laboratories did not continue to undertake patent docketing for these patents and patent applications, Abbott Laboratories included a notation in its IPMaster database for each patent and patent application to be assigned to Hospira, Inc.

9. In recognition of the likelihood that correspondence relating to patents and patent applications to be assigned (and subsequently assigned) to Hospira, Inc. may continue to be received by Abbott Laboratories despite

the above-enumerated efforts by Hospira, Inc., Abbott Laboratories and Hospira, Inc. entered into an oral agreement pursuant to which Abbott Laboratories agreed to forward to Hospira, Inc. all correspondence received by Abbott Laboratories that related to the patents and patent applications assigned to Hospira, Inc.

10. In order to fulfill its oral agreement with Hospira, Inc., Abbott Laboratories created a new, dedicated mail bin for all patent-related correspondence received by Abbott Laboratories that related to patents and patent applications assigned to Hospira, Inc. See Exhibit F. The policies and procedures of Abbott Laboratories are set forth in the Declaration of Katrina M. Williams, attached hereto as Exhibit H.

11. Hospira, Inc. regularly received from Abbott Laboratories correspondence sent by the U.S. Patent and Trademark Office to Abbott Laboratories that related to patents and patent applications assigned to Hospira, Inc. The undersigned has no reason to believe that all correspondence sent by the U.S. Patent and Trademark Office to Abbott Laboratories that related to any of the patents and patent applications assigned to Hospira, Inc. was not forwarded by Abbott Laboratories to Hospira, Inc. in accordance with the oral agreement between Abbott Laboratories and Hospira, Inc.

12. All patent-related correspondence received by Hospira, Inc., including patent-related correspondence forwarded to Hospira, Inc. by Abbott Laboratories, was reviewed and docketed by Hospira, Inc. patent personnel in accordance with internal policies and procedures.

13. On April 30, 2004, Abbott Laboratories executed an assignment transferring certain pending patent applications to Hospira, Inc., including, but not limited to, the above-referenced application. On July 28, 2004, Hospira, Inc. submitted to the U.S. Patent and Trademark Office a request for recordation of this assignment.

14. On July 28, 2004, the U.S. Patent and Trademark Office recorded on Reel 014921, Frame 0536, the above-referenced assignment transferring pending patent applications, including the present application, from Abbott Laboratories to Hospira, Inc.

15. On April 30, 2004, Abbott Laboratories executed an assignment transferring certain granted U.S. patents to Hospira, Inc. On July 19, 2005, Hospira, Inc. submitted to the U.S. Patent and Trademark Office a request for recordation this assignment. Because of the large number of granted patents involved, this request was made in two batches.

16. On July 19, 2005, the U.S. Patent and Trademark Office recorded on Reel 016536, Frames 0728 and 0910, the above-referenced assignment transferring granted U.S. patents from Abbott Laboratories to Hospira, Inc.

17. Throughout the late spring and summer of 2004, Hospira, Inc. regularly received patent-related correspondence for its patents and patent applications. Some of the patent-related correspondence received by Hospira, Inc. during this period was addressed to Abbott Laboratories and forwarded from Abbott Laboratories in accordance with the above-identified oral agreement.

18. Among the patent-related correspondence received by Hospira, Inc. during this period was a Filing Receipt Notice mailed May 13, 2004 for the present application. This Filing Receipt Notice was addressed to Abbott Laboratories and was received by Abbott Laboratories on May 18, 2004. The Filing Receipt Notice was forwarded to Hospira, Inc. by Abbott Laboratories in accordance with the oral agreement between Abbott Laboratories and Hospira, Inc.

19. When Hospira, Inc. received the Filing Receipt Notice mailed May 13, 2004 for the present application, the Filing Receipt Notice was docketed in Hospira's IPMaster docketing database and the correspondence was placed into the file for the present application. Upon receipt of the Filing Receipt Notice mailed May 13, 2004 for the present application, Hospira, Inc. did not include an entry in its IPMaster docketing database relating to a Notice to File Missing Parts, nor did Hospira, Inc. place a Notice to File Missing Parts into the file for the present application. At no time did Hospira, Inc. include an entry in its IPMaster docketing database relating to a Notice to File Missing parts for the present application, nor did Hospira, Inc. at any time place a Notice to File Missing Parts into the file for the present application. Had Hospira, Inc. received a Notice to File Missing Parts for the present application, the Hospira, Inc. personnel responsible for handling patent-related correspondence would have docketed such Notice in Hospira, Inc.'s IPMaster docketing database and placed the correspondence in the file for the present application in accordance with Hospira, Inc.'s policies and procedures.

20. The undersigned attorney avers that if Hospira, Inc. had received a Notice to File Missing Parts for the present application (either directly from the U.S. Patent and Trademark Office or from Abbott Laboratories), the Notice to File Missing Parts, together with the deadline for submitting the required missing parts, would have been docketed and filed by Hospira, Inc. in accordance with Hospira, Inc.'s policies and procedures. Hospira's docketing database does not indicate that a Notice to File Missing Parts for the present application was received, nor does Hospira's docketing database identify a deadline for submitting the required missing parts. Hospira, Inc.'s file for the present application does not contain a Notice to File Missing Parts. Accordingly, the undersigned believes that the Notice to File Missing Parts allegedly mailed by the U.S. Patent and Trademark Office in connection with the present application was never received by Hospira, Inc.

21. After April 30, 2004, the undersigned attorney lost his right to access Private PAIR and ascertain the status of patent applications that were still under the customer numbers of Abbott Laboratories.

22. After April 30, 2004, the undersigned attorney also was unable to access Private PAIR to ascertain the status of patent applications that were under Hospira, Inc.'s customer number. The Hospira Information Technology area was very busy throughout 2004 with other priorities associated with implementing SAP and establishing an independent IT infrastructure for Hospira, Inc. and was unable to re-establish Private PAIR access for the undersigned attorney. Due to various information technology and firewall issues at Hospira, Inc., the undersigned was unable to get Private PAIR access to

patent applications under Hospira's customer number until the end of January 2005.

23. In the Fall of 2004, the undersigned attorney noticed that the patent-related correspondence Abbott Laboratories was forwarding to Hospira, Inc. was addressed to the new Vice President for Patents and Trademarks of Abbott Laboratories, Robert DeBerardine. This realization prompted the undersigned to initiate an investigation for the purpose of determining the status of Hospira, Inc.'s efforts to assign certain patents and patent applications to Hospira, Inc.'s Customer Number. Up to this point in time, Hospira, Inc. had not received any notification from the U.S. Patent and Trademark Office that Hospira, Inc.'s efforts to transfer its patents and patent applications to Hospira, Inc.'s Customer Number were unacceptable to the U.S. Patent and Trademark Office.

24. Upon investigation, the undersigned determined that the EBC had not processed the Request for Customer Number Batch Update submitted by Mr. Woodworth on April 13, 2004. As shown in the attached Exhibit J, the only applications associated with Hospira, Inc.'s customer number as of December 16, 2004 were those applications filed by Hospira, Inc. after May 3, 2004, i.e., after the spin-off of Hospira, Inc. from Abbott Laboratories. The undersigned contacted the U.S. Patent and Trademark Office by telephone in December 2004 and was informed that the failure of the U.S. Patent and Trademark Office to implement the customer number update requested by Hospira, Inc. on April 13, 2004 might be due in part to the June 25, 2004 rule change regarding the number of attorneys the U.S. Patent and Trademark Office would recognize in a given application (37 CFR 1.132(c)(3)).

That is, because Mr. Woodworth was not listed among the first ten (10) attorneys identified alphabetically on the Powers of Attorney for the patents and patent applications in question, the U.S. Patent and Trademark

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